

Decision 01-05-022 May 3, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rita Boppana,

Complainant,

vs.

Southern California Gas Company,

Defendant.

Case 00-05-010
(Filed May 11, 2000)

And Related Matters.

Case 00-05-011
(Filed May 11, 2000)
Case 00-05-012
(Filed May 11, 2000)**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the three consolidated matters is May 11, 2001. The three complaints, although filed separately and individually, were consolidated because they all share a common concern: whether Southern California Gas Company (SoCalGas) is operating its Playa del Rey gas storage facility safely so as to protect the health and safety of nearby homeowners. Specifically, the complainants are concerned about the dangers of

venting and leaking gas and atmospheric contamination and have requested that the Commission undertake an environmental investigation.

SoCalGas owns vacant, unimproved property adjacent to its Playa del Rey storage facility. SoCalGas has abandoned and capped some of the underground wells as they are no longer used as part of the gas storage operation. Therefore, SoCalGas filed an Application (A.), A.99-05-029, seeking Commission authorization to sell some of these vacant lots. Many neighbors in the residential neighborhood contiguous to SoCalGas' storage facility filed protests to the Application. Complainants also live in that same residential area. The gravamen of the protests was that SoCalGas had, among other things, failed to properly cap the wells, and gas was leaking into the atmosphere and the soil creating health and safety hazards.

The Commission ordered the Commission Environmental staff to conduct an environmental review of the impact the sale of the lots would trigger. That review and investigation is still ongoing. Recently samples of the soil were taken and sent to an independent laboratory for analysis to see if the contaminant levels pose a health or safety risk. Depending on the results, staff may have to expand the scope of the environmental review to include an adjacent development known as Playa Vista. Playa Vista was built on property previously owned by SoCalGas as part of its gas storage facility. No Commission review or environmental study was done before those lots were sold.

Since the scope of the environmental review is still inchoate, the Commission cannot anticipate when the environmental staff will complete their report. However, the Commission does know that the investigation triggered by SoCalGas' A.99-05-029 will cover many of the same issues of health and safety

that the complainants allege in the consolidated proceeding, so all activity in the complaints has been stayed pending the issuance of the Environmental Report.

In order to keep complainants advised of the status of the investigation, the Commission will hold a prehearing conference (PHC) on Friday, August 24, 2001, in the Playa del Rey area, so all concerned citizens may conveniently attend. Formal notice of that PHC will be given once a time and place is arranged. If the Environmental Report has been issued by the date of the PHC, the parties can discuss the scheduling of further proceedings, including evidentiary hearings, if appropriate.

If there is any change of circumstances necessitating a revision to this time projection, the ALJ will issue an order updating the schedule.

Public Review and Comment

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

Findings of Fact

1. This proceeding was initiated on May 11, 2000.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before May 11, 2001, unless this date is extended.
3. The consolidated complaints can not proceed further in the adjudicatory process until the Commission Environmental staff completes its investigation of the environmental issues raised in A.99-05-029 and issues an Environmental Report.

4. The 12-month statutory deadline cannot be met due to the time necessary to complete the Environmental Report.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, until further order.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, May 11, 2001, is extended until further order.

This order is effective today.

Dated May 3, 2001, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners